

Missouri Notary Handbook



JASON KANDER
SECRETARY OF STATE



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

STATE CAPITOL
ROOM 208
(573) 751-2379

Dear Missouri Notary:

As your Secretary of State, I am pleased to provide you with this Missouri Notary Public Handbook. The work you do as a notary instills additional confidence in documents that are vital to the progress and livelihood of our state. Without the information that is contained within these pages, our legal and commercial systems could not function efficiently.

This handbook is provided to more than 60,000 notaries across the state, each of whom takes acknowledgements, administers oaths and affirmations, and certifies that copies of documents are true copies.

The powers and responsibilities of a notary are laid out in the Missouri Revised Statutes Chapter 486. The provisions of this statute are included in this handbook, so that you might always have within your reach your duties and requirements under the law.

In addition to the statutes, this resource provides general information related to your role as a notary, a glossary of important terms and copies of key application forms to assist you in the administration of your notary duties.

I hope you find this book to be a useful and thorough resource in your position as a notary public. If you need any further assistance, please do not hesitate to call our Business Services Division at (573) 751-2783. We are here to serve you.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander
Missouri Secretary of State

Table of Contents

| | |
|---|-----|
| Explanation of \$25 Application Fee | .3 |
| Revised Statutes of Missouri, Chapter 486 (Notaries Public) | .4 |
| General Information | .21 |
| Application and Appointment | .22 |
| Qualifying at the County Clerk's Office | .23 |
| Term of Office | .24 |
| Notary Public Bond | .24 |
| Embosser Seal and Rubber Stamp | .24 |
| Journal | .26 |
| Reapplying | .26 |
| Fees | .26 |
| Amended Commissions (Name change, county change, address change) | .27 |
| Non-resident Notary Change of Employment in Same or Different County | .28 |
| Resignation of a Notary Commission | .29 |
| Official Misconduct | .29 |
| Applicable Law | .29 |
| Possible Disqualification | .29 |
| Executing Witness | .30 |
| Fees Allowed for Swearing in Notaries | .30 |
| Court Reporters Qualified to Give Oaths | .30 |
| Other Notary Information | .30 |
| Proper Notarization | .32 |
| Sample Affirmations | .35 |
| Sample Individual Acknowledgment | .35 |
| Sample Jurat | .35 |
| Sample Certificate of Facsimile | .36 |
| Instructions for Completing Sample Affirmations | .37 |
| How to Obtain Applications | .38 |
| Glossary | .39 |
| Document Certification Information | .43 |

Revised Statutes of Missouri



Explanation of ~~\$~~25 Application Fee

Application, form of, fee—renewal.

486.225.2 With the person's application, each applicant for appointment and commission as a notary public shall submit to the secretary of state a commission fee of fifteen dollars.

State entitled to certain fees—technology trust fund account established—additional fee, notary commissions—appropriation of funds, purpose—fees not collected, when.

28.160.3 The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account.

Revised Statutes of Missouri

Chapter 486

(Notaries Public)

486.200. Definitions.—As used in sections 486.200 to 486.405

(1) “**County**” means any of the several counties of this state or the city of St. Louis;

(2) “**County clerk**” means any of the several county clerks of this state or the clerk of the circuit court in the city of St. Louis;

(3) “**Facsimile**” means an exact copy preserving all the written or printed mark of the original;

(4) “**Notarization**” means the performance of a notarial act;

(5) “**Notary public**” and “**notary**” mean any person appointed and commissioned to perform notarial acts, including any attorney licensed to practice law in this state;

(6) “**Official misconduct**” means the wrongful exercise of a power or the wrongful performance of a duty. The term “**wrongful**” as used in the definition of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.

(L. 1977 H.B. 513 § 1, A.L. 2005 S.B. 420 & 344)
Effective 1-1-78

486.205. Notary public, how appointed.—Upon application, the secretary of state may appoint and commission individual persons as notaries public* in each of the several counties in this state. The secretary of state may not appoint and commission as a notary public any person who submits an application containing substantial and material misstatement or omission of fact.

(L. 1977 H.B. 513 § 2)
Effective 1-1-78

*Words “notary publics” appear in original rolls.

486.210. Notary’s authority to be statewide.—Each notary public may perform notarial acts anywhere within this state.

(L. 1977 H.B. 513 § 3)
Effective 1-1-78

486.215. Term of office.—Each notary public may perform notarial acts for a term of four years from the date of his commission, unless sooner removed.

(L. 1977 H.B. 513 § 4)
Effective 1-1-78

486.220. Qualifications for notary.—1. Each person appointed and commissioned as a notary public shall, except as provided for in subsection 2 of this section:

- (1) Be at least eighteen years of age;
- (2) Be a registered voter of the county within and for which he is commissioned; or a resident alien of the United States;
- (3) Have a residence address in the county within and for which he is commissioned;
- (4) Be able to read and write the English language; and
- (5) Not have had his commission revoked during the past ten years; or
- (6) In lieu of the requirements contained in subdivisions (1) to (5) of this subsection, a person who is appointed and commissioned a notary public pursuant to subsection 2 of this section may be appointed and commissioned pursuant to this subsection upon becoming a resident of Missouri.

2. Any person who does not qualify under subsection 1 of this section may nonetheless be appointed and commissioned as a notary public provided that person:

- (1) Is at least eighteen years of age;
- (2) Works in Missouri and will use the notary seal in the course of his employment in Missouri;
- (3) Has a work address in the county within and for which he is commissioned;
- (4) Is able to read and write the English language;
- (5) Has not had a notary commission revoked in any state during the past ten years; and
- (6) Authorizes the secretary of state as the agent and representative of such person to accept service of any process or service of any notice or demand required or permitted by law to be served upon such person.

3. A notary public is not a public officer within the meaning of article VII of the Missouri Constitution.

(L. 1977 H.B. 513 § 5, A.L. 1988 S.B. 425, A.L. 1991 H.B. 570)

486.225. Application, form of, fee—renewal.—1. Upon a form prepared by the secretary of state, each applicant for appointment and commission as a notary public shall swear, under penalty of perjury, that the answers to all questions on the application are true and complete to the best of the applicant's knowledge and that the applicant is qualified to be appointed and commissioned as a notary public. The completed application form shall be filed with the secretary of state.

2. With the person's application, each applicant for appointment and commission as a notary public shall submit to the secretary of state a commission fee of fifteen dollars.

3. Each applicant for appointment and commission as a notary public shall state in the application whether or not the applicant has ever been convicted of or pled guilty or nolo contendere to any felony, or to any misdemeanor incompatible with the duties of a notary public and if so, shall attach a list of such convictions or pleas of guilt or nolo contendere.

4. Each applicant for a renewal appointment and commission as a notary public may apply for such renewal appointment in a manner prescribed by the secretary of state.

5. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, a new applicant or renewal from reapplying for an appointment and commission as a notary public following the rejection of such applicant's application by the secretary of state.

6. Prior to submitting an application to the secretary of state, each new applicant or renewal for appointment and commission as a notary public shall read the Missouri notary public handbook and complete a computer based notary training or other notary training in a manner prescribed by the secretary of state. Each new applicant or renewal applicant shall attest to reading such handbook and receiving such training pursuant to this subsection at the time of submitting the application for appointment and commission as a notary public.

(L. 1977 H.B. 513 § 6, A.L. 1988 H.B. 1068, A.L. 1991 H.B. 570, A.L. 1997 S.B. 361, A.L. 2004 H.B. 1193)

486.230. Commission to be issued, when—contents.—Upon receipt of a completed application, proper endorsements and the correct fee, the secretary of state, if satisfied the applicant is qualified to be appointed and commissioned as a notary public, shall prepare a notary commission for the applicant and forward the commission to the county clerk in the county of the applicant's residence. Each commission shall contain the applicant's name, the county within and for which he is to be commissioned, the date upon which the commission takes effect and the date upon which it expires.

(L. 1977 H.B. 513 § 7)
Effective 1-1-78

486.235. Bond required—oath, form of.—1. During his or her term of office each notary public shall maintain a surety bond in the sum of ten thousand dollars with, as surety thereon, a company qualified to write surety bonds in this state. The bond shall be conditioned upon the faithful per-

formance of all notarial acts in accordance with this chapter. Each notary public shall notify the secretary of state of changes on or riders to the bond.

2. Before receiving his or her commission, each applicant shall submit to the county clerk of the county within and for which he or she is to be commissioned, an executed bond commencing at least ninety days after the date he or she submitted the application to the secretary of state with a term of four years, which shall consist of the dates specified on the applicant's commission.

3. Before receiving his or her commission, each applicant shall take the following oath in the presence of the county clerk:

I, (name of applicant), solemnly swear, under the penalty of perjury, that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will uphold the Constitution of the United States and of this state and will faithfully perform to the best of my ability all notarial acts in conformance with the law.

. (signature of applicant)

Subscribed and sworn to before me this day of, 20.

. (signature of county clerk)

4. Before receiving his or her commission, each applicant shall submit to the county clerk a handwritten specimen of the applicant's official signature which contains his or her surname and at least the initial of the applicant's first name.

5. Immediately after receiving the bond and official signature and witnessing the oath, the county clerk shall award to the applicant his or her commission as a notary public.

(L. 1977 H.B. 513 §§ 8, 9, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.240. Failure of applicant to appear and qualify, effect of.—If the person for whom a commission is issued fails to appear and qualify within ninety days after the commission is issued, the county clerk shall note the failure on the commission and return it within thirty days of such failure to the secretary of state. The secretary of state shall immediately cancel and annul the commission. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, such person from reapplying for an appointment and commission as a notary public following the failure to appear and qualify within ninety days after the commission is issued.

(L. 1977 H.B. 513 § 10, A.L. 2004 H.B. 1193)

486.245. Register of notaries to be kept—bond, signature and oath to secretary of state.—The county clerk shall keep a register, listing the name and address of each person to whom he awards a notary commission and the date upon which he awards the commission. Within 30 days after

receiving a bond, signature and oath, the county clerk shall forward the bond, signature and oath to the secretary of state by certified mail. All such bonds, signatures and oaths shall be preserved permanently by the secretary of state.

(L. 1977 H.B. 513 § 11)

Effective 1-1-78

486.250. Powers of notary.—Each notary public is empowered to

- (1) Take acknowledgments;
- (2) Administer oaths and affirmations;
- (3) Certify that a copy of a document is a true copy of another document; and
- (4) Perform any other act permitted by law.

(L. 1977 H.B. 513 § 12)

Effective 1-1-78

486.255. Notary disqualified, when.—1. For the purposes of this chapter, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he is named, individually, as a party to the transaction.

2. No notary who has a disqualifying interest in a transaction may legally perform any notarial act in connection with the transaction.

(L. 1977 H.B. 513 § 12)

Effective 1-1-78

486.260. Notary to keep journal—exceptions.—Each notary public shall provide and keep a permanently bound journal of his or her notarial acts containing numbered pages, except those notarial acts connected with judicial proceedings, and those for whose public record the law provides and the public record is publicly filed within ninety days of execution. Each notary public shall record in such journal the following: the month, day, and year of notarization; the type of notarization such as acknowledgment or jurat; the type of document; the name and address of the signer; the identification used by the signer; the notary fee; and the signature of the signer.

(L. 1977 H.B. 513 § 14, A.L. 2004 H.B. 1193)

486.265. Certified copy of notary record, when given, fee journal to be kept.—Every notary shall keep a true and perfect record of his or her official acts in a permanently bound journal, except those connected with judicial proceedings, and those for whose public record the law provides and the public record as defined in section 610.010, RSMo, is publicly filed

within ninety days of execution. Every notary shall make and keep an exact minute, in a permanently bound journal kept by him or her for that purpose, of each of his or her official acts, except as herein provided. The journal is the exclusive property of the notary.

(L. 1977 H.B. 513 § 15, A.L. 2004 H.B. 1193)

486.270. Copies of notarial acts furnished on court order—fee.—Each notary public, upon written court order, shall furnish facsimiles of entries made in his journal of notarial acts or any other papers or copies relating to his notarial acts, upon receipt of a fee of one dollar per 8 1/2 x 11 inch page or part of a page.

(L. 1977 H.B. 513 § 16)

Effective 1-1-78

486.275. Signature of notary required, when.—At the time of notarization a notary public shall sign his official signature on each notary certificate.

(L. 1977 H.B. 513 § 17)

Effective 1-1-78

486.280. Printed information required on notary certificate.—On every notary certificate, a notary public shall indicate clearly and legibly, in print not smaller than eight point type and by means of rubber stamp, type-writing or printing, so that it is capable of photographic reproduction:

- (1) His or her name exactly as it appears on the commission;
- (2) The words “Notary Public”, “State of Missouri”, and “My commission expires (commission expiration date)”;
- (3) The name of the county within which he or she is commissioned; and
- (4) A commission number, provided that the notary public has been issued a commission number by the secretary of state. Effective August 28, 2004, the secretary of state shall issue a commission number for all new and renewal notary appointments.

(L. 1977 H.B. 513 § 18, A.L. 2004 H.B. 1193)

486.285. Seal, contents, form—application—property of notary.—1. Each notary public shall provide, keep, and use a seal which is either an engraved embosser seal or a black inked rubber stamp seal to be used on the document being notarized. The seal shall contain the notary’s name exactly as indicated on the commission and the words “Notary Seal”, “Notary Public”, and “State of Missouri” and, after August 28, 2004, the commission number assigned by the secretary of state, provided that the notary public

has been issued a commission number by the secretary of state, all of which shall be in print not smaller than eight-point type.

2. The indentations made by the seal embosser or printed by the black inked rubber stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner that will render illegible or incapable of photographic reproduction any of the printed marks or writing on the certificate or document.

3. Every notary shall keep an official notarial seal that is the exclusive property of the notary and the seal may not be used by any other person or surrendered to an employer upon termination of employment.

(L. 1977 H.B. 513 § 19, A.L. 1991 H.B. 570, A.L. 2004 H.B. 1193)

486.290. Illegibility of certificate, effect of.—The illegibility of any of the information required by sections 486.280, 486.285 and 486.290 does not affect the validity of the transaction.

(L. 1977 H.B. 513 § 20)
Effective 1-1-78

486.295. Change of address, notice of, effect of.—Any notary public who changes the address of his or her residence in the county within and for which he or she is commissioned shall forthwith mail or deliver within thirty days of such change a notice of the fact to the secretary of state including his or her old address and current address. The notary's commission shall remain in effect until its expiration date, unless sooner revoked.

(L. 1977 H.B. 513 § 21, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.300. Change of name by notary, notice to secretary of state, procedure, fee-signature, how signed.—Any notary public who lawfully changes his or her name shall forthwith request within thirty days of such change an amended commission from the secretary of state and shall send to the secretary of state five dollars, his or her current commission, and a notice of change form provided by the secretary of state, which shall include his or her new name and contain a specimen of his or her official signature. The secretary of state shall issue an amended commission to the notary public in his or her new name and shall notify the clerk of the county within and for which the notary is commissioned. After requesting an amended commission, the notary may continue to perform notarial acts in his or her former name, until he or she receives the amended commission.

(L. 1977 H.B. 513 § 22, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.305. Loss of seal or journal, notice to secretary of state.—An notary public who loses or misplaces his journal of notarial acts or official

seal shall forthwith mail or deliver notice of the fact to the secretary of state.

(L. 1977 H.B. 513 § 23)

Effective 1-1-78

486.310. Resignation, how effective.—If any notary public no longer desires to be a notary public, he or she shall forthwith mail or deliver to the secretary of state a letter of resignation, and his or her commission shall thereupon cease to be in effect. If a notary public resigns following the receipt of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state may deny any future applications by such person for appointment and commission as a notary public.

(L. 1977 H.B. 513 § 24, A.L. 2004 H.B. 1193)

486.315. Removal from county of residence, effect of-amended commission, when, procedure, fee.—If a notary public has ceased to have a residence address in the county within and for which he or she is commissioned, the commission shall thereupon cease to be in effect, unless the secretary of state issues an amended commission. When a notary public, who has established a residence address in a county of the state other than the county in which he or she was first commissioned, requests an amended commission within thirty days of changing the notary's county of residence, delivers his or her current commission, notice of change form, and five dollars to the secretary of state, the secretary of state shall issue an amended commission to the notary public, for the county in which his or her new residence is located and shall notify the county clerk of the county where the notary's new address is located. After requesting an amended commission within thirty days of changing the notary's county of residence, the notary may continue to perform notarial acts with certificates showing the county within and for which he or she is commissioned, until the notary receives his or her amended commission.

(L. 1977 H.B. 513 § 25, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.320. Notice of revocation of commission, compliance with.—If any notary public receives notice from the secretary of state that his commission has been revoked, the person whose commission is revoked shall forthwith mail or deliver to the secretary of state his commission.

(L. 1977 H.B. 513 § 26)

Effective 1-1-78

486.325. Automatic reappointment prohibited.—1. No person may be automatically reappointed as a notary public.

2. Each notary public who is an applicant for reappointment as a notary public shall comply with the provisions of sections 486.225 and 486.235.

(L. 1977 H.B. 513 § 27)
Effective 1-1-78

486.330. Form of acknowledgments.—Except as otherwise provided in section 442.210, RSMo, certificates of acknowledgment shall be in print not smaller than eight-point type and in substantially the following form:

(1) By an individual.

State of, County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who executed the within (type of document), and acknowledged to me that (he/she) executed the same for the purposes therein stated.

(2) By a Partner.

State of, County (and/or City of) On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of partner) of (name of partnership), known to me to be the person who executed the within (type of document) in behalf of said partnership and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary.)

(3) By a Corporate Officer.

State of, County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of officer), (title of person, president, vice president, etc.), (name of corporation), known to me to be the person who executed the within (type of document) in behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary)

(4) By an Attorney in Fact for Principal or Surety.

State of, County (and/or City) of On this day of, in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of attorney in fact), Attorney in Fact for (name of principal or surety), known to me to be the person who executed the within (type of document) in behalf of said principal (or surety), and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary)

(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or Executor.

State of, County (and/or City) of On this day of, in the year, before me (name of notary), a Notary Public in and for said state, personally appeared (name of person), (person's official title) known to me to be the person who executed the within (type of document) in behalf of (public corporation, agency, political subdivision or estate) and acknowledged to me that he executed the same for the purposes therein stated. (official signature and official seal of notary)

(6) By a United States Citizen Who is Outside of the United States. (description or location of place where acknowledgment is taken)

On this day of, in the year, before me (name and title of person acting as a notary and refer to law or authority granting power to act as a notary), personally appeared (name of citizen) known to me to be the person who executed the within (type of document) and acknowledged to me that (he/she) exe-

cuted the same for the purposes therein stated. (official signature and official seal of person acting as a notary and refer to law or authority granting power to act as a notary).

(7) By An Individual Who cannot Write His Name. State of, County (and/or City) of On this day of in the year, before me (name of notary), a Notary Public in and for said state, personally appeared (name of individual), known to me to be the person who, being unable to write his or her name, made his mark in my presence.

I signed his or her name at his or her request and in that person's presence on the within (type of document) and he or she acknowledged to me that he or she made his or her mark on the same for the purposes therein stated

. (official signature and official seal of notary.)

(8) By a Manager or Member.

State of, County (and/or City) of On this day of in the year before me, (name of notary), a Notary Public in and for said state, personally appeared (name of manager or member) of (name of limited liability company), known to me to be the person who executed the within (type of document) in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated. (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 28, A.L. 1997 H.B. 655 merged with S.B. 170, A.L. 2004 H.B. 1193)

486.335. Affirmations, form of.—Affirmations shall be in type not smaller than eight-point and is substantially the following form:

(1) If the affirmation to be administered by the notary public is in writing and the person who took the affirmation has signed his or her name thereto, the notary public shall write or print under the text of the affirmation the following:

“Subscribed and affirmed before me this day of, 20” (official signature and official seal of notary.)

(2) If the affirmation to be administered by the notary public is not in writing, the notary public shall address the affirmant substantially as follows:

“You do solemnly affirm, under the penalty of perjury, that the testimony you shall give in the matter in issue, pending between and, shall be the truth, the whole truth, and nothing but the truth.”

(L. 1977 H.B. 513 § 29, A.L. 2004 H.B. 1193)

486.340. Executing witness defined—form of affidavit of executing witness.—1. As used in this section, the words “executing witness” means an individual who acts in the place of a notary.

2. An executing witness may not be related by blood or marriage or have a disqualifying interest as defined in section 486.255.

3. The affidavit of executing witness for acknowledgment by an individual who does not appear before a notary shall be in type not smaller than eight-point and in substantially the following form:

I, (name of executing witness), do solemnly affirm under the penalty of perjury, that (name of person who does not appear before a notary), personally known to me, has

executed the within (type of document) in my presence, and has acknowledged to me that (he/she) executed the same for the purposes therein stated and requested that I sign my name on the within document as an executing witness.

..... (signature of executing witness)

Subscribed and affirmed before me this day of ..., 20....

..... (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 30, A.L. 2004 H.B. 1193)

486.345. Facsimile may be certified—form of certification.—1. A notary public may certify a facsimile of a document if he or she receives a signed written request stating that a certified copy or facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

2. Each notary public shall retain a facsimile of each document he or she has certified as a facsimile of another document, together with other papers or copies relating to his or her notarial acts.

3. The certification of a facsimile shall be in type not smaller than eight-point and in substantially the following form:

State of County (and/or City) of

I, (name of notary), a Notary Public in and for said state, do certify that on (date) I carefully compared the attached facsimile of (type of document) and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

..... (official signature and official seal of notary.)

(L. 1977 H.B. 513 § 31, A.L. 2004 H.B. 1193)

486.350. Maximum fees—overcharges or charge for absentee ballots, effect of—travel fee charged, when.—1. The maximum fee in this state for notarization of each signature and the proper recording thereof in the journal of notarial acts is two dollars for each signature notarized.

2. The maximum fee in this state for certification of a facsimile of a document, and the proper recordation thereof in the journal of notarial acts is two dollars for each 8 1/2 x 11 inch page retained in the notary's file.

3. The maximum fee in this state is one dollar for any other notarial act performed.

4. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

5. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

6. A notary public may charge a travel fee, not to exceed the approved federal mileage rate and may charge an expedited convenience service fee not to exceed twenty-five dollars, when traveling to perform a notarial act, provided that:

(1) The notary explains to the person requesting the notarial act that the travel fee is separate from the notarial fee and is not specified or mandated by law; and

(2) The notary and the person requesting the notarial act agree upon his or her fees in advance of the notary affixing his or her official seal.

(L. 1977 H.B. 513 § 32, A.L. 2004 H.B. 1193)

486.355. Liable in damages, when.—A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary’s official misconduct.

(L. 1977 H.B. 513 § 33)

Effective 1-1-78

(1987 Notary public in failing to witness the signing of a bill of sale of business notarized by him may be liable pursuant to this section to plaintiffs for damages for their not being able to enforce a note that was entered into at time of transfer of business where the bill of sale referenced the note. Means v. Clardy, 735 S.W.2d 6 (Mo.App.W.D.).

486.360. Employer of a notary public liable, when.—The employer of a notary public is also liable to the persons involved for all damages proximately caused by the notary’s official misconduct, if:

(1) The notary public was acting within the scope of his employment at the time he engaged in the official misconduct; and

(2) The employer consented to the notary public’s official misconduct.

(L. 1977 H.B. 513 § 34)

Effective 1-1-78

486.365. Sole cause not necessary to establish notary’s liability.—It is not essential to a recovery of damages that a notary’s official misconduct be the only proximate cause of the damages.

(L. 1977 H.B. 513 § 35)

Effective 1-1-78

486.370. Penalty for notary’s misconduct.—1. A notary public who knowingly and willfully commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both.

2. A notary public who recklessly or negligently commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding one hundred dollars.

(L. 1977 H.B. 513 § 36)

Effective 1-1-78

486.375. Impersonation of a notary, penalty for.—Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both.

(L. 1977 H.B. 513 § 37)
Effective 1-1-78

486.380. Unlawful possession of notary seal, journal or papers a misdemeanor, penalty.—Any person who unlawfully possesses a notary's journal, official seal or any papers or copies relating to notarial acts, is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars.

(L. 1977 H.B. 513 § 38)
Effective 1-1-78

486.385. Grounds for revocation of commission.—1. The secretary of state may reject an application or revoke the commission of any notary public who prior to being commissioned or during the current term of appointment:

(1) Submits an application for commission and appointment as a notary public which contains substantial and material misstatement of facts;

(2) Is convicted of any felony or official misconduct under this chapter;

(3) Fails to exercise the powers or perform the duties of a notary public in accordance with this chapter, or fails otherwise to comply with the provisions of this chapter;

(4) Is adjudged liable or agrees in a settlement to pay damages in any suit grounded in fraud, misrepresentation, impersonation, or violation of the state regulatory laws of this state, if his or her liability is not solely by virtue of his or her agency or employment relationship with another who engaged in the act for which the suit was brought;

(5) Uses false or misleading advertising wherein he or she represents or implies, by virtue of the title of notary public, that he or she has qualifications, powers, duties, rights, or privileges that he or she does not possess by law;

(6) Engages in the unauthorized practice of law;

(7) Ceases to be a citizen of the United States;

(8) Ceases to be a registered voter of the county within and for which he or she is commissioned;

(9) Ceases to have a residence address in the county within and for which he or she is commissioned, unless he or she has been issued an amended commission;

(10) Becomes incapable of reading or writing the English language;

(11) Fails to maintain the surety bond required by section 486.235.

2. A notary's commission may be revoked under the provisions of this section if action is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal. The secretary of state shall have further power and authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the duties therein imposed upon the secretary of state, including immediate suspension of a notary upon written notice sent by certified mail if the situation is deemed to have a serious unlawful effect on the general public; provided, that the notary public shall be entitled to hearing and adjudication as soon thereafter as is practicable.

(L. 1977 H.B. 513 § 39, A.L. 1981 H.B. 388, A.L. 2004 H.B. 1193)

486.390. Unauthorized practice of law by notary, remedy for.—1. Upon his own information or upon complaint of any person, the attorney general, or his designee, may maintain an action for injunctive relief in the circuit court of Cole County against any notary public who renders, offers to render, or holds himself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this state.

2. The remedies provided in subsection 1 of this section are in addition to, and not in substitution for, other available remedies.

(L. 1977 H.B. 513 § 40)

Effective 1-1-78

486.395. Certification of notary's authority by the secretary of state, fee, form.—Upon the receipt of a written request, the notarized document and a fee of ten dollars payable to the director of revenue, the secretary of state shall provide a certificate of authority in type not smaller than eight point and in substantially the following form:

I, (appointing state official, or local or district office designated by appointing state official, name and title) of the State of (name of state) which office is an office of record having a seal, certify that (notary's name), by whom the foregoing or annexed document was notarized, was, at the time of the notarization of the same, a Notary Public authorized by the laws of this State to act in this State and to notarize the within (type of document), and I further certify that the Notary's signature on the document is genuine to the best of my knowledge, information, and belief and that such notarization was executed in accordance with the laws of this State.

In testimony whereof, I have affixed my signature and seal of this office this day of, 20....
..... (secretary of state's signature, title, jurisdiction, address and the seal affixed near the signature.)

(L. 1977 H.B. 513 § 41, A.L. 1988 H.B. 1068, A.L. 2004 H.B. 1193)

486.396. Notary seal stolen, procedure.—If the notary's notary seal has been stolen, the notary shall immediately notify the secretary of state in writing to report the theft. Upon receipt of the written documentation, the secretary of state shall issue the notary a new commission number for the notary to order a new seal. The secretary of state may post notice on the secretary of state's web site notifying the general public that the notary seal of such notary with the stolen commission number is invalid and is not an acceptable notary commission number.

(L. 2004 H.B. 1193)

486.405. Term of notary not to be diminished, exception.—Nothing in sections 486.200 to 486.405 shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as a notary public until the term for which he was commissioned has expired, or until he has been removed pursuant to the provision of sections 486.200 to 486.405.

(L. 1977 H.B. 513 § 43)
Effective 1-1-78

General Information



General Information

General Information

To qualify for a notary commission as a Missouri resident, an applicant must meet certain legal qualifications:

- (1) Be at least eighteen years of age;
- (2) Be a registered voter of the county within and for which he is commissioned; or a resident alien of the United States;
- (3) Have a residence address in the county within and for which he is commissioned;
- (4) Be able to read and write the English language; and
- (5) Not have had his commission revoked during the past ten years; or
- (6) In lieu of the requirements contained in subdivisions (1) to (5) of this subsection, a person who is appointed and commissioned a notary public pursuant to subsection 2 of this section may be appointed and commissioned pursuant to this subsection upon becoming a resident of Missouri.

2. Any person who does not qualify under subsection 1 of this section may nonetheless be appointed and commissioned as a notary public provided that person:

- (1) Is at least eighteen years of age;
- (2) Works in Missouri and will use the notary seal in the course of his employment in Missouri;
- (3) Has a work address in the county within and for which he is commissioned;
- (4) Is able to read and write the English language;
- (5) Has not had a notary commission revoked in any state during the past ten years; and
- (6) Authorizes the secretary of state as the agent and representative of such person to accept service of any process or service of any notice or demand required or permitted by law to be served upon such person.

As either a resident or non-resident applicant, the applicant must also indicate on their application whether or not the applicant has ever been convicted of or pled guilty or nolo contendere to any felony, or to any misdemeanor incompatible with the duties of a notary public, and if so, shall attach a list of such convictions or pleas of guilt or nolo contendere.

If the notary is presently commissioned as a non-resident notary public and they move into Missouri, the notary may immediately be appointed and commissioned as a notary upon becoming a resident. The notary will need to return their nonresident notary certificate with a request to cancel

that commission, along with a completed application as a resident, proof of training and the \$25 fee for issuing another commission.

Application and Appointment

An application for a commission as a notary public can be downloaded from our website at www.sos.mo.gov/business/commissions. Additional applications may be obtained by calling (866) 223-6535 (toll free) or (573) 751-2783, or by writing: Secretary of State, Commissions, PO Box 784, Jefferson City, MO 65102-0784.

Applications may also be obtained from the secretary of state branch offices located at: 815 Olive St., Ste. 210, St. Louis, MO 63101; 615 E. 13th St., Ste. 513, Kansas City, MO 64106; and 149 Park Central Sq., Rm. 624, Springfield, MO 65806.

The application forms prescribed by the secretary of state must be used.

As provided by law, a \$25 fee must be paid to receive a notary commission. See Sections 28.160.2 and 486.225.2, RSMo. All checks should be made payable to the State Director of Revenue.

Prior to submitting an application to the secretary of state, each applicant for appointment shall read the Missouri notary public handbook and complete a computer-based training or other notary training in a manner prescribed by the secretary of state. Each applicant shall attest to reading such handbook and receiving such training at the time of submitting the application for appointment and commission as a notary public.

Instructions for completing the application are provided with the application. All information requested on the form must be completed before the application will be approved. If we have to return the application to verify information, or to request that blank spaces be completed on the form, there will be a delay in issuing the commission. Any changes or information which is completed after the original receipt of the application by our office must be initialed. Applications which appear to have been tampered with are not accepted. The secretary of state may prohibit, for a period not less than 30 days and not more than one year, an applicant from reapplying for an appointment and commission as a notary public following the rejection of such applicant's application by the secretary of state.

The information requested on the application determines whether the applicant is qualified to receive a commission as a notary public. All information requested must be completed.

At the top of the application, the applicant must fill in their exact name as they want it to appear on their commission, complete the oath at the bottom of the application, and sign the application with the exact complete name as is indicated at the top of the application. This determines the applicant's exact official name as a notary public as well as their official signature. Initials may be used for first and middle names. A notary is required by law to use their commissioned name and signature for all notarizations.

The applicant for resident notary must request that our office issue their notary public commission for the county in which they reside. Please indicate this information on the application in the space labeled "County of Residence." If the applicant resides in St. Louis City, they must indicate "St. Louis City" in this space. A resident notary may use their notary commission in any county in Missouri or St. Louis City.

Non-resident applicants applying for a Missouri notary public commission must indicate the name of their employer and the Missouri county or St. Louis City where the employer is located and where the applicant reports for work.

A commission as a notary public for the State of Missouri is valid only in Missouri.

After the application is approved, the applicant's commission will be issued and mailed to the appropriate office in the county where they reside or are employed. We are required by law to forward all completed commissions to the appropriate county office.

The same day the commission is issued, we will mail a letter to the applicant advising that their commission has been issued and mailed to the appropriate county authority. The letter contains the address where the applicant is to be sworn in, their commission number and the dates the commission begins and expires.

Qualifying at the County Clerk's Office

The law allows up to 90 days from the date the commission is issued for the applicant to qualify. Failure to qualify within 90 days will result in the commission being cancelled. To meet the qualifications provided by law, the applicant must appear in person and present a \$10,000 surety bond to insure their four-year term as a notary public. The clerk or deputy will administer the oath of office, after which the applicant must submit a handwritten specimen of their official signature on the oath of office. This signature **MUST** match the exact name typed on their commission certificate. The clerk will staple the bond to the oath of office and official signature filing and mail them to our

office. The clerk or deputy will then present the notary with their commission certificate.

The commission certificate will contain the notary's exact official name as a notary public, the commission number, the commission beginning and expiration dates and the date the commission was issued by our office. The notary should keep the commission in a safe place throughout their term as a notary public.

The secretary of state may prohibit, for a period not less than 30 days and not more than one year, such person from reapplying for an appointment and commission as a notary public following the failure to appear and qualify within 90 days after the commission is issued.

Term of Office

All commissions as a notary public are issued for a four-year term of office. This term is set by law.

Notary Public Bond

The \$10,000 notary bond may be purchased from a personal insurance agent, a bank or from a bonding company. The notary bond is separate from any other bond coverage the notary might presently have and is required in addition to other bond coverage. The bond should be executed by the insurance company within 90 days after the application is approved by our office. **The bond must be written for a term of four years, covering the same dates as the term of office.**

An errors and omissions policy does not replace a bond. An errors and omissions policy is not required by law, but may be purchased as it protects the notary public and pays for any charges the notary might owe for legal fees and costs should the notary be sued.

Embosser Seal and Rubber Stamp

Missouri law requires every notary to use either an engraved embosser seal or a black inked rubber stamp seal on every notary certificate. The print on the embosser or stamp must be in type not smaller than eight-point type. The print on the seal should resemble one of the examples in the box below and must contain the same information. To be legally recognized, the engraved embosser seal or the black inked rubber stamp seal must contain:

1. The notary's exact name as it appears on their commission certificate;
2. The assigned commission number; and
3. Three phrases: "Notary Seal," "Notary Public," "State of Missouri."

The notary must also type, print or have a rubber stamp in print not smaller than eight-point type with certain information on every completed notary certificate: their exact name as it appears on their commission, "Notary Public," "State of Missouri," their expiration date and the county for which they are commissioned. **The notary may use a black inked rubber stamp ONLY if the seal contains the information in #1, #2 and #3 above, as well as the county for which they are commissioned and the expiration date of that commission.** Examples of notary seals accepted in the state of Missouri are shown in the box below. The Great Seal of the State of Missouri can not be used on the notary stamp.

The notary seal is the exclusive property of the notary and the seal may not be used by any other person or surrendered to an employer upon termination of employment.

Sample Embosser/Stamp



JOHN Q. PUBLIC
NOTARY PUBLIC - STATE OF MISSOURI
ST. LOUIS CITY
MY COMMISSION EXPIRES OCT. 10, 1995

JOHN Q. PUBLIC
Notary Public
Notary Seal
STATE OF MISSOURI
Commission # 12345678

JOHN Q. PUBLIC
Notary Public – Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Oct. 1, 1995
Commission # 12345678

Journal

The notary is required to keep a permanently bound journal of their notary acts. Each notary public shall keep a permanently bound journal of his or her notarial acts containing numbered pages, except those notarial acts connected with judicial proceedings, and those for whose public record is publicly filed within ninety days of execution. Each notary public shall record in such journal the following: the month, day and year of notarization; the type of notarization such as acknowledgment or jurat; the type of document; the name and address of the signer; the identification used by the signer; the notary fee; and the signature of the signer.

The journal can be purchased from a local office supply store or may be supplied to the notary by a notary company or association.

The notary journal is the exclusive property of the notary.

Reapplying

All commissions as a notary public are issued for a term of four years. There are no provisions in the law for renewals. If the notary wishes to again become commissioned as a notary public they will need to submit a notary application to our office no earlier than six weeks before their current expiration date. No person is automatically reappointed as a notary public. The notary is responsible for obtaining the \$10,000 notary bond for their new term of office. The notary must follow all of the same procedures as though they have never held a notary commission before.

Fees

A notary public is allowed to charge fees for notarizing documents. Section 486.350, RSMo, allows a notary to charge two dollars for each signature on a document and the proper recording of the notarization in their journal. The maximum fee for any other notarial act is one dollar. Failure to record the notarization in the journal precludes collection of the fee.

A notary may charge two dollars for each 8 1/2 x 11 inch page they certify as a facsimile of an original document. The certification of a facsimile must also be recorded in the notary journal. The notary must also retain a copy of each page in their notary file.

A notary public may charge a travel fee, not to exceed the approved federal mileage rate and may charge an expedited convenience fee not to exceed \$25, when traveling to perform a notarial act, provided that:

(1) The notary explains to the person requesting the notarial act that the travel fee is separate from the notarial fee and is not specified or mandated by law; and

(2) The notary and the person requesting the notarial act agree upon his or her fees in advance of the notary affixing his or her official seal.

Notaries are not permitted to charge a fee for notarizing the signature on any absentee ballot or absentee voter registration card.

Amended Commissions (Name change, county change, address change)

An application for a request for an amended commission can be obtained from our website at www.sos.mo.gov/business/commissions.

Change of Name

To change the exact name on a notary commission, the notary is required to send the following documents to our office:

1. Completed Change of Name amendment form;
2. Check or money order for five dollars made payable to State Director of Revenue;
3. Rider from the bonding company indicating the name change (if rider required); and
4. The present commission certificate.

If a notary changes their legal name during their term of office, an application for a name change must be made within 30 days of the name change.

The fee allowed by law for a name change is five dollars. Once we have received all of the necessary materials and processed the request for a name change, we will forward the amended commission directly to the notary at their residence address. We will notify the appropriate county clerk of the name change. Since the notary's seal contains their name, the notary must also have a new stamp and/or embosser made for their seal with their new exact name as commissioned.

Change of County Residence (Resident Notary)

To change their county of residence, a notary is required to send the following documents to our office:

1. Completed Change County of Residence amendment form;

-
2. Check or money order for five dollars made payable to State Director of Revenue;
 3. Present commission certificate.

If the notary changes their county of residence, they are required by law to apply for an amended commission for their new county of residence within 30 days of the county change. The notary must be a registered voter in their new county before submitting the application. When we have received the proper documents and processed the request for an amended commission, we will forward the notary's amended commission certificate to their new residence address and notify the county clerk's office in the new county of residence. The notary will need to check with the entity that issued their bond as to whether they will need a rider. If a rider is needed, a copy of that rider must be sent to our office. Such rider must indicate the name of the new county of residence. If the notary is using a seal containing the county name, a new seal reflecting the new county of residence must be purchased and used.

Change of Street Address

If a notary moves within the same county, and their street address changes while they are commissioned as a notary public, the notary is required to file within 30 days an address change with the secretary of state. Please complete the Notary Change of Address in Same County amendment form and send it to Commissions. You may obtain this form on our website at www.sos.mo.gov/business/commissions.

Non-resident Notary Change of Employment in the Same County or in a Different County

During a non-resident notary's commission, if there is a change of employer in the same county or the employer is in a different county, the notary is required to file within 30 days an employer change and county change if applicable with the Secretary of State. Please complete the Change Employer County amendment form or the Change of Employer Resident Notaries Non-Resident Notaries amendment form and send it to Commissions. You may obtain the applicable form from our website at www.sos.mo.gov/business/commissions.

Stolen or Lost Notary Public Seals or Notary Journal

If the notary's seal has been stolen, the notary shall immediately notify the secretary of state in writing to report the theft. Upon receipt of the writ-

ten documentation, the secretary of state shall issue the notary a new commission number for the notary to order a new seal. The secretary of state may post notice on the Secretary of State's website notifying the general public that the notary seal of such notary with the stolen commission number is invalid and is not an acceptable notary commission number.

If the notary journal is lost or stolen, the notary is required by law to send a letter to the secretary of state. The letter will be placed in the notary file, advising us of the date the journal was lost or stolen. The notary can then purchase a new journal. The notary does not need to apply for a new commission. The date the seal or journal was lost or stolen should be noted in the notary records. The notary may also want to contact their local police department and see if they require a police report to be filed for stolen goods.

Resignation of a Notary Commission

If a notary wishes to resign their commission, a letter of resignation must be submitted along with their commission certificate to the Office of Secretary of State. The notary is not required to state a reason for resigning.

Official Misconduct

The law contains several sections relating to civil damages and providing for criminal punishment. You may refer to the notary statutes for more information. The notary statutes are located on our website at www.sos.mo.gov/business/commissions. The law defines official misconduct, provides for civil damages to persons injured through a notary's misconduct, establishes employer's liability for such damages and also provides such violations are punishable as misdemeanors by fines and imprisonment. Further, official misconduct may result in revocation of the notary's commission by the Office of Secretary of State.

Applicable Law

The law governing notaries public is found in Chapter 486 RSMo and is provided on the Secretary of State website at www.sos.mo.gov/business/commissions.

Possible Disqualification

According to Missouri law, persons convicted of a felony may not be able to become a notary public.

Executing Witness

On October 27, 1983, the attorney general issued Opinion No. 114-83, which states “An executing witness, as provided for in Section 486.340, RSMo, is neither a notary public nor an officer authorized by law to administer oaths within the scope of Section 115.291.1, RSMo.” Therefore, the affidavit of a person voting an absentee ballot may not be subscribed and sworn to before an executing witness.

Fees Allowed for Swearing in Notaries

Each county or city official will charge fees for recording each notary commission and administering the oath of office. These fees are allowed by law. If you have questions regarding such fees, contact the applicable county or city official in county of residence. For St. Louis City residents contact the circuit clerk of St. Louis City.

Court Reporters Qualified to Give Oaths

Certified court reporters and certified shorthand reporters may administer oaths and affirmations as provided in Section 492.010, RSMo. If you have any questions concerning authority to administer oaths and affirmations, please contact the professional certified court reporters association for further information.

Other Notary Information

Proper notarization must include proper notary wording (acknowledgment, jurat or certification of facsimile), the notary’s seal/stamp and official signature.

A notary cannot notarize his or her own signature. A notary is to be an impartial witness.

A Missouri notary may notarize documents that originate in other states as long as the document is being signed and notarized in Missouri.

Missouri notaries can only notarize documents in Missouri.

Missouri law does not forbid notaries from notarizing the signatures of relatives. However, if the notarized document was ever the subject of a court suit, a judge might determine the notary was not an impartial witness to the signing of the document. The Office of Secretary of State suggests

that a notary not notarize documents for a spouse, parent, grandparent, brother, sister, niece, nephew, aunt, uncle, child or grandchild.

A notary does not have the authority to prepare legal documents. All documents presented to a notary for notarization should have the correct form of notary certificate on them. A notary's duty is to perform the notarial act and complete the notarial certificate.

The best form of identification is one that includes a photograph and signature. A valid driver's license is a good source of identification. The person can also be personally known to the notary or can be identified by an individual personally known to the notary.

If the notary certificate states "Subscribed and sworn to/affirmed before me", etc., then the document must be signed by the signer in the presence of the notary. An oath or affirmation must be administered to the person whose signature the notary is notarizing. **If a document is already signed when it is presented for notarization, the notary should ask the person to re-sign the document again in their presence.**

An acknowledgment need not be signed in the notary's presence. However, the person who signed the acknowledgment **must** appear before the notary and acknowledge he or she is the signor and that he or she signed the original document.

The notary law allows a notary public to certify a copy of an original document. Chapter 486.345(3), RSMo, contains the proper wording to use for this type of certification. **DO NOT CERTIFY ANY COPIES OF DOCUMENTS WHICH STATE ON THE FACE OF THE DOCUMENT THEY CANNOT BE REPRODUCED.** Copies of birth certificates, death certificates, marriage licenses and divorce decrees cannot be certified. Certified copies of these documents should be obtained from the issuing agency. The notary is required by law to keep a copy of any document they certify as a true copy.

The secretary of state issues Certificates of Authority for notaries. They may be obtained by submitting the original document requiring the certificate with a written request for the certificate to the Office of Secretary of State. The fee for each certificate is \$10 and should accompany the request. Certificates of Authority for a notary public may be obtained at any of the Secretary of State Offices in Jefferson City, Kansas City, St. Louis or Springfield.

Proper Notarization

A proper notarization must contain:

1. The signature of the individual;
2. A notarial certificate stating the document was signed before the notary;
3. The signature of the notary as commissioned; and
4. The notary's seal or stamp.

Sample Affirmations



Sample Affirmations

Sample Individual Acknowledgment

State of ____ (1) ____

(SS)

County of ____ (2) ____

On this ____ (3) ____ day of ____ (4) ____ in the year ____ (5) ____, before me, the undersigned notary public, personally appeared ____ (6) ____, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

(10)

____ (9) ____

Notary Public

(11)

Sample Jurat

State of ____ (1) ____

County of ____ (2) ____

Subscribed and sworn to before me this ____ (3) ____ day of ____ (4) ____
in the year ____ (5) ____ .

(10)

____ (9) ____

Notary Public

(11)

Sample Certification of Facsimile

State of ____ (1) ____

County (and/or City) of ____ (2) ____

I, _____ (7) _____ (name of notary), a Notary Public in and for said state, do certify that on ____ (3, 4, 5) ____ I carefully compared the attached facsimile of _____ (8) _____ and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

(10)

____ (9) _____
Notary Public
(11)

Instructions for Completing Sample Affirmations

- (1) Name of the state in which the notary certificate is being completed.
- (2) Name of the county in which the notary certificate is being completed.
- (3) The date the notary certificate is being completed by the notary.
- (4) The name of the month the notary certificate is being completed.
- (5) The year the notary certificate is being completed.
- (6) The name(s) of the person(s) who signed the document and whose signature you are acknowledging.
- (7) Your official name style as a notary public.
- (8) The name of the document you are notarizing (usually found at the top of the page you are notarizing, or the first of multiple pages).
- (9) Your official signature as a notary public.
- (10) Impress your notary engraved embosser seal or black inked rubber stamp seal here.
- (11) Affix your rubber stamp here, or type/print the information required by law concerning your notary commission (refer to page 25 regarding rubber stamps).

How to Obtain Applications

An application for a commission as a notary public can be downloaded from our website at www.sos.mo.gov/business/commissions. Additional applications may be obtained by calling (866) 223-6535 (toll free) or (573) 751-2783, or by writing: Secretary of State, Commissions, PO Box 784, Jefferson City, MO 65102-0784.

Glossary

ACKNOWLEDGMENT 1. The act of admitting or recognizing the existence of an agreement by signing as evidence of one's intention that the agreement shall be binding and in full force and effect. 2. The certificate affixed to the document (See Acknowledgment, Certificate of.)

ACKNOWLEDGMENT, CERTIFICATE OF A written statement, affixed to an agreement, signed and sealed by an authorized official that states in a form, usually prescribed by law, that the official took the acknowledgment of the person who signed the agreement.

AFFIANT The person who takes an oath or affirmation. The person to whom an oath or affirmation is administered. Sometimes called a deponent.

AFFIDAVIT A document that contains a statement, made under oath or affirmation, signed by the affiant and a jurat (certificate) signed and sealed by a notary.

AFFIRMATION A solemn statement, equivalent by law to an oath, but without religious significance or reference to a Supreme Being.

CERTIFICATE A written statement, signed by an official, describing acts performed in an official capacity.

JURAT Latin, "to swear." The certificate signed and sealed by a notary which is affixed below the sworn or affirmed statement and signature of the affiant.

L.S. (LOCUS SIGILLI) Latin, "The location where the seal is placed." Used generally to indicate the place for the notary's seal.

NOTARY PUBLIC A person appointed by a state official to serve the public as a disinterested witness, to take acknowledgments, administer oaths and affirmations, and to perform such other acts as are allowed or required by law.

OATH A solemn pledge or promise. (A person who intentionally makes false statements under oath is punishable for perjury.)

S.S. (SCILICET) Latin, "to wit, namely." Printed near the venue of a certificate or acknowledgment.

SUBSCRIBE To sign, to write one's signature.

TESTIMONIUM CLAUSE At the end of many documents and certificates that follows the form "witness my hand and seal" or some variation thereof.

VENUE 1. The place where the act is performed. 2. The place on the certificate that gives the location where the notarization was performed. 3. The place where a trial is held.

Document Certification Information



Requests for Certification of Documents

Requests for these services should be made in writing to the Commissions Office and should include the name of the country where these documents will be forwarded.

Mail documents to: Commissions Office
 Secretary of State's Office
 PO Box 784
 Jefferson City, MO 65102-0784

Express mail: Commissions Office
 Secretary of State's Office
 600 W. Main St., Room 322
 Jefferson City, MO 65101

Documents received in the mail are given same-day or next-day service.

Walk-in customers can receive same-day processing. The hours for walk-in service are 8 a.m. to 5 p.m..

The office location is: Commissions Office
 James C. Kirkpatrick State
 Information Center
 600 W. Main St., Room 322
 Jefferson City, MO 65101

This service can also be provided by our branch offices located at:

St. Louis: 815 Olive St., Suite 210
 St. Louis, MO 63101
 (314) 340-7490

Kansas City: 615 E. 13th St., Room 513
 Kansas City, MO 64106
 (816) 889-2925

Springfield: 149 Park Central Sq., Suite 624
 Springfield, MO 65806
 (417) 895-6330

Fees

The fee allowed by law (RSMo Chapter 28) is \$10 for counter-signing and sealing certificates of official character.

State law limits the state's allowable fee for processing certain adoption documents to \$100 per child per adoption, or per multiple children adopted at the same time.

The Secretary of State's Office accepts checks, money orders, (made payable to Director of Revenue) MasterCard, Visa, American Express or Discover. For MasterCard, Visa, American Express and Discover the following must be included in a cover letter accompanying the documents: your name exactly as it appears on the credit card, credit card number, expiration date and approval for the office to charge the account. Documents sent by special delivery using a credit card number must include a completed air bill.

Birth Certificates and Death Certificates Marriage Licenses and Divorce Decrees

MISSOURI birth certificates, death certificates, marriage licenses or divorce decrees should be certified by the issuing agency. Birth and death certificates should be obtained from the Missouri Department of Health and Senior Services, Bureau of Vital Records, 930 Wildwood, PO Box 570, Jefferson City, MO 65102-0570. There is a fee charged by Vital Records for these copies. Vital Records will issue a certified copy of these MISSOURI records and we will authenticate this certified

CAUTION: Some documents cannot be reproduced and cannot be certified by Missouri Notaries Public. Missouri notaries do not have authority to certify documents from other states and countries.

copy. Marriage licenses can sometimes be obtained from the county recorder of deeds offices where they have been recorded for public record. Divorce decrees can sometimes be obtained from the circuit clerk where they have been filed. The recorder of deeds or circuit clerk will issue and sign the copy of the original document. (A sample document is on page 49.) We will then authenticate the official act of the recorder of deeds or circuit clerk.

Apostilles

Apostilles are issued by our office for all documents going to countries who are members of the 1961 Hague Convention. The Convention provides for a simplified certificate for public documents to be used in the countries which have joined the Convention. With only an Apostille, the document is entitled to recognition in the country of its intended use. The Apostille **MUST BE REQUESTED** for documents going to the member countries. Our office has a reference list of these countries.

School Documents

Documents issued by educational institutions for foreign students are also certified by our office.

The face of a diploma should not be altered by the registrar or notary.

The registrar or other authority of the school must sign a statement, which is typed on the **BACK** of the diploma or transcript. The wording in this statement says that the diploma or transcript is either the original record issued by the school or a copy of the original document issued by the school and the date it was issued.

The signature of the school official is witnessed by a notary public. The notary states that he/she saw the school official sign the document.

If the school does not issue a diploma for foreign students, a notarized letter from the registrar or other school authority must be given to the student. This letter must state that the student has completed the requirements for graduation from that school, but the school does not issue diplomas for foreign students. This letter is notarized in the same manner as other notarized school documents. A sample document is on page 48.

Special Handling and Mailing

The Secretary of State's office is pleased to forward documents directly to a third party if a stamped addressed envelope to the third party is enclosed with the letter of request. If the third party is a consulate or embassy for the country requiring the documents, it is practical to include a letter of instruction to them with their fees.

We will also return or forward documents by overnight mail if a prepaid self addressed mailer is enclosed with the letter of request.

Foreign Language Documents

Notarizing a foreign language document is not illegal; however, CAUTION should be used as the notary is dependent upon the signer to explain the contents. The notarization might invalidate the document if the document contains specific instructions to the notary as to placement of the notary seal. You may be perceived by your foreign constituent as doing more than merely witnessing signatures.

You may want to suggest that your constituent find a notary who speaks the language. Perhaps the document could be translated and you could notarize the English translation.

Many countries have foreign consulate offices. The offices can be found in the yellow pages of a phone book. One of the consulate's duties is to notarize documents destined for the home country. Most of these officials have the same powers as notaries public.

If you are requested to notarize a document in another language, you will want to note this in your journal. If the notarial certificate is in another language and you can read the language, you may complete the notarial certificate. If you cannot read the notarial certificate, you should complete and notarize an English language notary certificate.

Need Additional Information

Please call (866) 223-6535, (573) 751-4756 or 751-2783 if you need any additional information or have any questions regarding certification of documents.

| |
|---|
| <p>NOTE: Missouri notaries cannot certify any birth certificates, death certificates, divorce decrees or marriage licenses. These documents must be obtained from and certified by the issuing agencies.</p> |
|---|

Missouri **SAMPLE** Academy front



This Certifies that

Alejandro Cadena Vazquez

*having completed satisfactorily the Course of Study prescribed by the Board of Trustees
is hereby declared to be a*

Graduate of the Missouri Military Academy

Therefore, by the Authority vested in us by the State of Missouri, this

Diploma

*is awarded him at Mexico, Missouri, on this the twenty-seventh day of May, 1990
and the 214th year of the Independence of the United States.*

*In Testimony Whereof our signatures and the Corporate Seal of the Academy
are hereunto affixed.*

Robert H. Sengler
Commandant

Randolph Kelly
Executive Officer

Charles Stribling III
President

Charles Stribling III
President

I, Charles Stribling III, President, certify that this is a copy of an original diploma presented to Alejandro Cadena Vazquez on May 27, 1990.

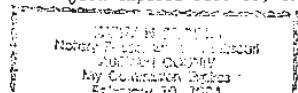
[Signature]
Signature

back

State of Missouri. County of Audrain. On this 21st day of August in the year 1990 before me, Kathy N. Brooks, a Notary Public in and for said state, personally appeared Charles Stribling III, known to me to be the person who executed the within copy of a diploma and acknowledged to me that he executed the same for the purposes therein stated.

Kathy N. Brooks

My commission expires Feb. 10, 1994.



FRONT

NO. E.B.C.
REV. 1990

08-03-1994

Perry

Perryville

This license authorizes any clergyman, either active or retired, who is in good standing with any church or synagogue in this state, on any judge of a court of record in this state, on any religious society, religious institution, or religious organization of this state, when proceeding according to the regulations and customs of the society, institution, or organization, and when either of the hereinafter named parties is a member of such society, institution, or organization, to solemnize marriage between

William Kendall Delabar

Affton

in the County of St. Louis and State of Missouri

who is of the age of 37 years, and Sally Jo Wingerter

of St. Louis, in the County of St. Louis

and State of Missouri who is of the age of 33 years.

I, _____, Witness my hand and official seal as Recorder of Deeds of Perry County, Missouri, this 23rd day of February, 1994.

By: _____ (Signature)

DEPUTY

By: _____ (Signature)

Circuit Clerk and Ex-Officio Recorder of Deeds

If the name is under 16 or the name under 16, add the following: "I, _____, a minor, has given consent to the said marriage." If both parties are minors, the parent(s) shall be reported on each one.

RETURN OF PERSON SOLEMNIZING MARRIAGE

STATE OF MISSOURI, } ss.

COUNTY OF Perry

Romain G. Morales

at

St. Vincent de Paul Church, St. Louis

Perry Co.

in said County on the

26

day of

February, 1994

wrote in marriage the above named persons, and I further certify that I am legally qualified under the laws of the State of Missouri to solemnize marriage.

By: _____ (Signature)

SIGNATURE

Nancy W. Winkler

SIGNATURE

By: _____ (Signature)

WITNESSES

Romain G. Morales

SIGNATURE

Roman Catholic Priest

OFFICIAL TITLE

STATE OF MISSOURI, } ss.
County of Perry, I, _____, _____,
Circuit Clerk & Ex-Officio Recorder of Deeds within and for the County of _____
do hereby certify that the above and foregoing is a full, true and complete copy of the said
Marriage License as the same appears of record in my office.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of
said office, at _____, Missouri,
this _____ day of _____, A.D., 1994
By: _____ (Signature)
Circuit Clerk & Ex-Officio Recorder of Deeds.
By: _____ (Signature) Deputy.

BACK



JASON KANDER
SECRETARY OF STATE
PO Box 784
JEFFERSON CITY MO 65102-0784